

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

LEAH MITELBERG, individually and  
on behalf of all others similarly situated,

Plaintiff,

v.

STEVENS INSTITUTE OF  
TECHNOLOGY,

Defendant.

Civil Action No. 2:21-cv-01043-  
SDW-MAH

Hon. Susan D. Wigenton

**DECLARATION OF PHILIP L. FRAIETTA IN OPPOSITION TO  
DEFENDANT'S MOTIONS TO DISMISS**

I, Philip L. Fraietta, hereby declare as follows:

1. I am a partner at Bursor & Fisher, P.A., counsel of record for Plaintiff in this action. I am licensed to practice in this court. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, I could and would testify competently thereto.

2. I make this declaration in opposition to Defendant's motions to dismiss.

3. Attached hereto as **Exhibit 1** is a true and correct copy of the February 5, 2021 Order denying defendant's motion to dismiss in *Doval v. Fairleigh Dickinson University*, No. BER-L-004966-20.

4. Attached hereto as **Exhibit 2** is a true and correct copy of the transcript of the oral argument on defendant's motion to dismiss in *Doval v. Fairleigh Dickinson University*, No. BER-L-004966-20.

I declare under penalty of perjury that the above and foregoing is true and correct.

Executed this 19th day of April 2021 at New York, New York.

/s/ Philip L. Fraietta  
Philip L. Fraietta